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ABSTRACT

This document contains the Texas Library Systems Act and rules for administering the Library Systems Act. Specifically, it includes the following documents: Texas Library Systems Act; Summary of Codes;Texas Administrative Code: Service Complaints and Protest Procedure; Criteria For Texas Library System Membership; and Certification Requirements For County Librarian (presented in the form of a table). (AEF)

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The Library Systems Act and Rules for Administering the Library Systems Act

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Austin, Texas

1999

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Texas Library Systems Act
and
Rules for Administering the Library Systems Act

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Austin, Texas
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TEXAS LIBRARY SYSTEMS ACT

GOVERNMENT CODE
TITLE 3. LEGISLATIVE BRANCH
SUBTITLE D. HISTORY, CULTURE AND EDUCATION
CHAPTER 441. LIBRARY AND ARCHIVES
SUBCHAPTER I. LIBRARY SYSTEMS

SHORT TITLE.

Sec. 441.121.

This subchapter may be cited as the Library Systems Act.

DEFINITIONS.

Sec. 441.122.

In this subchapter:

(1) "Accreditation of libraries" means the evaluation and rating of public libraries and library systems, and the evaluation and rating of libraries that are operated by a public school district, institution of higher education, or unit of state or local government but that are not public libraries, according to commission accreditation standards.

(2) "Accreditation standards" means the criteria established by the commission that a library must meet to be accredited and eligible for membership in a major resource system.

(3) "Area library" means a medium-sized public library serving a population of 25,000 or more that has been designated as an area library by the commission and is a member of a library system interrelated to a major resource center.

(4) "Commission" means the Texas State Library and Archives Commission.

(5) "Community library" means a small public library serving a population of less than 25,000 that is a member of a library system interrelated to a major resource center.

(6) "Governing body" means the body having power to authorize a library to join, participate in, or withdraw from a library system.

(7) "Interlibrary contract" means a written agreement between two or more libraries to cooperate, consolidate, or receive one or more services.

(8) "Library board" means the body that has the authority to give administrative direction or advisory counsel to a library or library system.

(9) "Library system" means two or more public libraries cooperating in a system approved by the commission to improve library service and to make their resources accessible to all residents of the area the libraries serve.

(10) "Major resource center" means a large public library serving a population of 200,000 or more within 4,000 or more square miles that is designated as the central library of a major resource system for referral service from area libraries in the system, for cooperative service with other libraries in the system, and for federated operations with other libraries in the system.

(11) "Major resource system" means a network of library systems attached to a major resource center, consisting of area libraries joined cooperatively to the major resource center, community libraries joined cooperatively to area libraries or directly to the major resource center, and libraries that are not public libraries that join the system under Section 441.1271.

(12) "Public library" means a library that is operated by a single public agency or board, that is freely open to all persons under identical conditions, and that receives its financial support in whole or part from public funds.

(13) "Regional library system" means a network of library systems established under this subchapter.

(14) "State library system" means a network of library systems, interrelated by contract, for the purpose of organizing library resources and services for research, information, and recreation to improve statewide library service and to serve collectively the entire population of the state.

ESTABLISHMENT OF STATE LIBRARY SYSTEM.

Sec. 441.123.

The commission shall establish and develop a state library system.

ADVISORY BOARD.

Sec. 441.124.

(a) The commission shall appoint an advisory board composed of five librarians qualified by training, experience, and interest to advise the commission on the policy to be followed in applying this subchapter.

(b) The term of office of a board member is three years.

(c) The board shall meet at least once a year. The commission may call other meetings during the year.

(d) A member of the board serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

(e) A vacancy shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

(f) A member may not serve more than two consecutive terms.

PLAN OF SERVICE.

Sec. 441.125.

The director and librarian shall submit an annual plan for the development of the state library system for review by the advisory board and approval by the commission.

AUTHORITY TO ESTABLISH MAJOR RESOURCE SYSTEMS.

Sec. 441.126.

The commission may establish and develop major resource systems in conformity with the plan for a state library system as provided by this subchapter.

MEMBERSHIP IN SYSTEM.

Sec. 441.127.

(a) To be eligible for membership in a major resource system a library must be accredited by the commission as having met the accreditation standards established by the commission.

(b) To meet population change, economic change, and changing service strengths of member libraries, a major resource system may be reorganized, merged with another major resource system, or partially transferred to another major resource system by the commission with the approval of the majority of the appropriate governing bodies of the libraries comprising the system. A regional library system may be reorganized, divided, dissolved, or merged into another regional library system in a manner provided by bylaws of the corporation operating the system or by contract between the member libraries and the managing authority of the system.

(c) The governing body of a public library that proposes to become a major resource center shall submit to the director and librarian an initial plan of service for the major resource system and annually after the library becomes a major resource center shall submit a plan of system development made in consultation with the advisory council.

EXTENDING MEMBERSHIP OF MAJOR RESOURCE SYSTEMS TO CERTAIN NONPUBLIC LIBRARIES

Sec. 441.1271.

(a) A major resource system may extend its membership to include libraries that are not public libraries and that are operated by one of the following:

(1) a public school district;
(2) an institution of higher education;
(3) a unit of state government; or
(4) a unit of local government.
(5) the decision to extend major resource system membership under Subsection (a) must be:
(6) made on a two-thirds vote of the governing bodies of the members of the major resource system; and
(7) approved by the commission.

(c) A library that is a type of library to which a major resource system has extended its membership under this section:

(1) must be accredited by the commission to be eligible to join the system; and

(2) may join the system by resolution or ordinance of its governing body and execution of interlibrary contracts for service.

(d) The commission may terminate the system membership of a library that is not a public library and that joined a major resource system under this section if the library:

(1) loses its accreditation by ceasing to meet the minimum standards established by the commission; or

(2) fails to comply with obligations stated in the applicable resolution or ordinance or interlibrary contracts for service.

(e) A library that is not a public library that joins a major resource system under this section must provide benefits to the public through its membership in the system that are sufficient to constitute fair value in exchange for the benefits received by the library through its membership in the system.

(f) A major resource system that has extended its membership to some but not all of the types of libraries described by Subsection (a) may extend its membership to one or more of the remaining types of libraries described by Subsection (a). A decision under this subsection must be made and approved in the manner prescribed for a decision under Subsection (b).

OPERATION AND MANAGEMENT.

Sec. 441.128.

(a) Governing bodies within a major resource system area or regional library system area may join in the development, operation, and maintenance of the system and appropriate and allocate funds for its support.

(b) Governing bodies of political subdivisions of the state may negotiate

separately or collectively a contract with the governing bodies of member libraries of a major resource system or regional library system for all library services or for those services defined in the contract.

(c) On petition of 10 percent of the persons qualified to vote in the most recent general election of a county or municipality within a major resource system service area or a regional library system service area, the governing body of that political subdivision shall call an election to vote on the question of whether or not the political subdivision shall establish contractual relationships with the system.

(d) The governing body of a major resource center, the governing body or managing authority of a regional library system, and the commission may enter into agreements with the governing bodies of other libraries, including other public libraries, school libraries and media centers, academic libraries, technical information and research libraries, or systems of those libraries, to provide or receive specialized resources and services. The commission shall coordinate and encourage the dissemination of specialized resources and services and may adopt rules for the contracts and agreements authorized by this subsection.

WITHDRAWAL FROM SYSTEM.

Sec. 441.129.

(a) The governing body of a political subdivision of the state may by resolution or ordinance withdraw from a major resource system. The governing body must give notice of withdrawal not later than the 90th day before the end of the state fiscal year.

(b) The provision for termination of all or part of a major resource system does not prohibit revision of the system by the commission, with the approval of the majority of the appropriate governing bodies, by reorganization, by transfer of part of the system, or by merger with other systems.

ADVISORY COUNCIL.

Sec. 441.130.

(a) Each major resource system has an advisory council composed of six lay members representing the member libraries of the system.

(b) The governing body of each member library of the system shall elect or appoint a representative to elect council members. The representatives shall meet following their selection and shall elect the initial council from their group. The representatives in an annual meeting shall elect members of their group to fill council vacancies caused by expiration of terms of office. Other vacancies shall be filled for the unexpired term by the remaining members of the council. At all times one member of the council must be a representative of the major resource center.

(c) The term of office of a council member is three years, except that the initial members shall draw lots for terms, two to serve one-year terms, two to serve two-year terms, and two to serve three-year terms. An individual may not serve more than two consecutive terms.

(d) The council shall elect a chairman, vice-chairman, and secretary.

(e) The council shall meet at least once a year. Other meetings may be held as often as is required to transact necessary business. The council shall report business transacted at each meeting to all member libraries of the system.

(f) The members of the council serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

(g) The council shall serve as a liaison agency between the member libraries and their governing bodies and library boards to:

(1) advise in the formulation of the annual plan for service to be offered by the system;

(2) recommend policies appropriate to services needed;

(3) evaluate services received;

(4) counsel with administrative personnel; and

(5) recommend functions and limitations of contracts between cooperating agencies.

(h) The functions of the advisory council do not diminish the powers of a local library board.

REGIONAL LIBRARY SYSTEM.

Sec. 441.131.

(a) The governing bodies of two-thirds of the member libraries of a major resource system may elect, for the purpose of administering the receipt and dispersal of services under this subchapter within their area, to form a regional library system that includes all libraries that are members of the major resource system.

(b) Governing bodies of libraries within a regional library system may establish a nonprofit corporation under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) to administer the system or may contract with a private business to administer the system. If the governing bodies form a nonprofit corporation, they may select a board of directors and adopt bylaws for the corporation. Bylaws adopted or a contract executed under this section may permit other libraries operated by public school districts, institutions of higher education, and units of state or local

government to become members of the regional library system. Bylaws may provide for reorganization, merger, division, and dissolution.

(c) To ensure the sound management and viability of regional library systems, the commission shall include in its rules provisions stipulating a cash reserve requirement for regional library systems. To enable the accumulation of sufficient reserves for the sole purpose of cash flow management, regional library systems may retain up to five percent of their annual system operation grant general revenue funds from year to year until the commission's reserve requirement is satisfied. These funds must be held in a federally insured account and the commission may provide for periodic reporting of the funds and their inclusion in the annual audit. Interest earned on these funds shall be retained in this account and shall be subject to the same terms and reporting as the corpus. These funds remain the property of the state, and if the commission ceases to contract with a regional library system, such funds must be fully and promptly returned as provided by this section.

MAJOR RESOURCE CENTERS.

Sec. 441.132.

(a) The commission may designate major resource centers from existing public libraries according to criteria approved by the commission and agreed to by the governing body of the library involved. The governing body of a library designated as a major resource center may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(b) The commission may revoke the designation of a major resource center that ceases to meet the criteria for a major resource center or that fails to comply with obligations stated in the resolution or ordinance agreements. The commission shall provide a fair hearing on request of the major resource center.

(c) Funds allocated by governing bodies contracting with the major resource center and funds contributed from state grants for the purposes of this subchapter shall be deposited with the governing body operating the major resource center following procedures agreed to by the contributing agency.

(d) The powers of the governing board of the major resource center do not diminish the powers of local library boards.

AREA LIBRARIES.

Sec. 441.133.

(a) The commission may designate area libraries within each major resource system service area to serve the surrounding area with library services for which interlibrary contracts are made with participating libraries. Area libraries may be designated only from existing public libraries and on the basis of criteria approved by the commission and agreed to

by the governing body of the library involved. The governing body of a library designated as an area library may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(b) The commission may revoke the designation of an area library that ceases to meet the criteria for an area library or fails to comply with obligations stated in the resolution or ordinance agreement. The commission shall provide a fair hearing on request of the major resource center or area library.

(c) Funds allocated by governing bodies contracting with the area library and funds contributed from state grants for the purposes of this subchapter shall be deposited with the governing body operating the area library following procedures agreed to by the contributing agency.

COMMUNITY LIBRARIES.

Sec. 441.134.

(a) Community libraries accredited by the commission are eligible for membership in a major resource system. A community library may join a system by resolution or ordinance of its governing body and execution of interlibrary contracts for service.

(b) The commission may terminate the membership of a community library in a system if the community library loses its accreditation by ceasing to meet the minimum standards established by the commission or fails to comply with obligations stated in the resolution or ordinance agreement.

GRANTS.

Sec. 441.135.

(a) The commission shall establish a program of state grants within the limitations of funds appropriated by the legislature. The commission shall adopt by rule the guidelines for awarding grants, except that any municipal library which lends more than 20,000 items per year to nonresidents cannot be denied any grant awarded after January 1, 1995, based solely upon the provisions of services to nonresidents.

(b) The program of state grants shall include one or more of the following:

(1) system operation grants, to strengthen major resource system services to member public libraries and regional library system services to member libraries, including grants to reimburse other libraries for providing specialized services to major resource systems and regional library systems;

(2) incentive grants, to encourage public libraries to join together into larger units of service in order to meet criteria for major resource system membership or regional library system membership;

(3) establishment grants, to help establish public libraries that will qualify for major resource system membership or regional library system membership in communities without public library service; and

(4) equalization grants, to help public libraries in communities with relatively limited taxable resources to meet criteria for major resource system membership or regional library system membership;

(5) public information technology grants, to help public libraries make state, local, and federal government information that is accessible through the Internet or electronic bulletin board systems available to the public through computer terminals at a library.

RULES.

Sec. 441.136.

(a) The director and librarian, with the advice of the advisory board, shall propose initial rules necessary to the administration of the program of state grants, including qualifications for major resource system membership. The proposed rules shall be published in the official publication of the Texas State Library with notice of a public hearing before the commission on the proposed rules to be held on a specified date not less than 30 nor more than 60 days after the date of the publication.

(b) After the public hearing, the commission shall adopt the proposed rules or return them to the director and librarian with recommendations for change. If the commission returns the proposed rules to the director and librarian with recommendations for change, the director and librarian shall consider the recommendations for change in consultation with the advisory board and resubmit the proposed rules to the commission for its adoption.

(c) Revised rules shall be adopted under the same procedure provided in this subchapter for the adoption of the initial rules.

(d) The commission shall include requirements in its rules to ensure that both the population served and the constituent member libraries are adequately represented in the conduct of system business related to activities involved in the development of a plan of service and adequately represented on each major resource system advisory council. Rules adopted as required by this subsection do not apply to the governing board or board of directors of a regional library system governed by applicable requirements of the Texas Business Corporation Act or the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes).

(e) The commission shall include in its rules provisions necessary to ensure compliance with the standard financial management conditions developed under Chapter 783 with regard to the purchasing of library materials and equipment.

ADMINISTRATION.

Sec. 441.137.

The director and librarian shall administer the program of state grants and shall make public the rules adopted by the commission.

FUNDING.

Sec. 441.138.

(a) The commission may use funds appropriated by the legislature for personnel and other administrative expenses necessary to carry out the provisions of this subchapter.

(b) Libraries and library systems may use state grants for materials, personnel, equipment, administrative expenses, and financing programs that enrich the services and materials offered a community by its public library. State grants may not be used for site acquisition, construction, acquisition of buildings, or payment of past debts.

(c) State aid to a free tax-supported public library is a supplement to and not a replacement of local support.

(d) Twenty-five percent of system operation grants shall be apportioned equally among the major resource systems and regional library systems that are operating under commission-approved programs of services, budgets, and bylaws or contracts, and the remaining 75 percent of these grants shall be apportioned among those systems on a per capita basis determined by the most recent decennial census or the most recent official population estimate of the U.S. Department of Commerce, Bureau of the Census.

RESEARCH FEES FOR FOR-PROFIT ENTITIES.

Sec. 441.139.

(a) Notwithstanding other provisions of the subchapter, a library, including a public library, in a city with a population of 1,000,000 or more and that has adopted a council-managed form of government, may charge a reasonable fee to a for-profit business entity for providing in-depth research services or research support relating to the entity's business activities.

(b) A library may not charge a fee under this section in circumstances under which charging a fee is not allowed by federal law for federal funding purposes.

Summary of Codes
Texas Administrative Code (TAC)
TITLE 13 - CULTURAL RESOURCES

PART I. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT
LIBRARY SYSTEMS ACT

Adopted by the Texas State Library and Archives Commission

STANDARDS FOR ACCREDITATION OF A MAJOR RESOURCE SYSTEM OF LIBRARIES IN THE TEXAS LIBRARY SYSTEM

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TITLE 13 - CULTURAL RESOURCES

PART I. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT
LIBRARY SYSTEMS ACT
Adopted by the Texas State Library and Archives Commission

STANDARDS FOR ACCREDITATION OF A MAJOR RESOURCE SYSTEM OF LIBRARIES IN THE TEXAS LIBRARY SYSTEM

§1.41 Geographical Area of System

A major resource system or regional library system shall serve a population of 200,000 or more within 4,000 or more square miles including contiguous whole counties.

[Adopted September 1, 1977, 2 TexReg 1923; Amended April 30, 1985, 10 TexReg 1227]

§1.42 Boundaries of System

External boundaries of a major resource system or regional library system shall be coterminous with the boundaries of councils of government, unless permission to vary is granted by the governor's office at the request of the state librarian. The state shall be organized into 10 regions as follows:

(1) Big Country Library System (32 counties): Brown, Callahan, Coke, Coleman, Comanche, Concho, Crockett, Eastland, Fisher, Haskell, Irion, Jones, Kent, Kimble, Knox, Mason, McCulloch, Menard, Mitchell, Nolan, Reagan, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Throckmorton, Tom Green.

(2) Texas Panhandle Library System (26 counties): Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler.

(3) Central Texas Library System (30 counties): Bastrop, Bell, Blanco, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Grimes, Hamilton, Hays, Hill, Lampasas, Lee, Leon, Limestone, Llano, Madison, McLennan, Milam, Mills, Robertson, San Saba, Travis, Washington, Williamson.

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(4) South Texas Library System (26 counties): Aransas, Bee, Brooks, Calhoun, Cameron, De Witt, Duval, Goliad, Gonzales, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

(5) Northeast Texas Library System (33 counties): Anderson, Bowie, Camp, Cass, Cherokee, Collin, Cooke, Dallas, Delta, Ellis, Fannin, Franklin, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Smith, Titus, Upshur, Van Zandt, Wood.

(6) Texas Trans-Pecos Library System (9 counties): Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, Terrell.

(7) North Texas Library System (20 counties): Archer, Baylor, Clay, Cottle, Denton, Erath, Foard, Hardeman, Hood, Jack, Johnson, Montague, Palo Pinto, Parker, Somervell, Tarrant, Wichita, Wilbarger, Wise, Young.

(8) Houston Area Library System (28 counties): Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Wharton.

(9) West Texas Library System (29 counties): Andrews, Bailey, Borden, Cochran, Crane, Crosby, Dawson, Dickens, Ector, Floyd, Gaines, Garza, Glasscock, Hale, Hockley, Howard, King, Lamb, Loving, Lubbock, Lynn, Martin, Midland, Motley, Terry, Upton, Ward, Winkler, Yoakum.

(10) San Antonio Area Library System (21 counties): Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Kinney, La Salle, Maverick, Medina, Real, Uvalde, Val Verde, Wilson, Zavala.

[Adopted September 1, 1977, 2 TexReg 1923; Amended April 30, 1977, 10 TexReg 1227; Amended August 23, 1990, 15 TexReg 4577]

§1.43 Long-Range Plan of System Services (Biennial Budget)

On behalf of a major resource system or regional library system, a plan for system services shall be biennially revised, updated, and submitted to the state librarian by the major resource center, nonprofit corporation, or business. Data determining the adequacy of library services, methods to evaluate the effectiveness of system programs, and documentation indicating full membership participation in the planning process shall be included.

[Adopted January 19, 1984, 9 TexReg 178; Amended April 30, 1985, 10 Tex Reg 1227]

§1.44 Annual Program and Budget for System Services

On behalf of a major resource system or regional library system, a major resource center, nonprofit corporation, or business shall submit an annual program and budget for system services 150 days prior to the beginning of the state fiscal year for approval by the state librarian. Approval of a major resource system's or regional library system's annual program and budget shall be certified by the state librarian in writing 60 days prior to the beginning of the state fiscal year. If, following consultation with the major resource system or regional library system, the state librarian, on behalf of the Texas State Library and Archives Commission, does not certify approval of the system's annual program of services and budget, the state librarian may recommend that the commission not contract with the major resource center, nonprofit corporation, or business until the plan is acceptably redrawn. If the state librarian does not accept a proposed program of service from a major resource center, nonprofit corporation, or business, a public hearing shall be held within the boundaries of the system, with adequate prior notification to member librarians, to allow exchange of information among member libraries, the state library, and major resource center, nonprofit corporation, or business.

[Adopted September 1, 1977; 2 TexReg 1923; Amended December 15, 1980, 5 TexReg 4787; Amended April 30, 1985, 10 TexReg 1227]

§1.45 Reestablishment of System Services

The commission may, following a public hearing, contract with a major resource center, nonprofit corporation, or business. If necessary, the commission will provide an opportunity for public libraries to rejoin a major resource system or regional library system by resolution or ordinance of their governing authorities; or the commission may transfer the public libraries to other systems and provide an opportunity for the public libraries to join another system by resolution or ordinance.

[Adopted September 1, 1977, 2 TexReg 1923; Amended April 30, 1985, 10 TexReg 1227]

§1.46 Interlibrary Loan and Reference Referral Services

On behalf of the major resource system, a major resource center shall fully participate in the state library system by providing interlibrary loan and reference referral services to public libraries and other libraries served through the state library system. This requirement for accreditation of a major resource system may be waived at the discretion of the state librarian with the approval of the commission. Should libraries receiving interlibrary loan services experience dissatisfaction with the performance of the interlibrary loan contractor, they have the right and obligation to advise the commission during the period of the contract. This will be taken into consideration when the contract is being negotiated for renewal.

[Adopted September 1, 1977, 2 TexReg 1923]

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§1.47 Consulting and Continuing Education Services

A major resource system or regional library system shall provide onsite consulting and continuing education services to libraries and unserved areas. At least one professional librarian shall be assigned fulltime to consulting and other system duties and provided with an adequate budget for support staff, travel, and communications to carry out these duties.

[Adopted September 1, 1977, 2 TexReg 1923; Amended December 15, 1980, 5 TexReg 4787; Amended May 1, 1981, 6 TexReg 1438; Amended February 15, 1982, 6 TexReg 1438; Amended April 29, 1985, 10 TexReg 1227]

§1.48 thru 1.52 [Reserved]

§1.53 Direct Grants-in-Aid: Prohibition

Direct grants-in-aid to major resource system or regional library system member libraries are prohibited. Grants-in-aid are defined as cash grants for library materials or other expenses in which the major benefit is to the receiving library as opposed to the major resource system of libraries. Programs requiring direct grants to member libraries as reimbursement for providing system services are an allowable expense.

[Adopted September 1, 1977, 2 TexReg 1293; Amended April 30, 1985, 10 TexReg 1227]

§1.54 Equalization Grants: Prohibition

Equalization grants to major resource system or regional library system member libraries are not an allowable system expense.

[Adopted September 1, 1977, 2 TexReg 1293; Amended April 30, 1985, 10 TexReg 1227]

§1.55 thru 1.60 [Reserved]

§1.61 System Bylaws

Consistent with the established rules and regulations of the state library system and the Library Systems Act, on behalf of a major resource system, a major resource center shall provide a copy of system bylaws approved by the system advisory council, the major resource center, and a majority of the member libraries to the state librarian for approval as a part of the annual program of system service. The bylaws shall specify the purposes of the library system, responsibilities and relationships of the member libraries, the system advisory council, and the major resource center with regard to review and approval of long range plans, annual programs and budgets, program and budget changes, election of advisory council members, procedures to call and conduct membership and council meetings, employment and dismissal of system staff, and such other matters as are deemed appropriate. The bylaws will also delineate the responsibilities and duties of the officers of the system advisory council, the major resource center director, the system coordinator, and any standing committees of member librarians established in the annual program of service.

[Adopted September 1, 1977, 2 TexReg 1923]

§1.63 Proposal Requirements: Fiscal and Administrative Responsibility

(a) A nonprofit corporation organized under the Library Systems Act, §441.131, seeking to contract with the Texas State Library and Archives Commission as a regional library system must demonstrate fiscal and administrative responsibility as determined annually by the state library from the following information submitted by the nonprofit corporation:

(1) articles of incorporation with the Office of the Secretary of State;

(2) bylaws adopted by the board of directors and approved by the membership;

(3) policies and procedures of the corporation on financial management, personnel, and procurement as adopted by the board of directors;

(4) long-range plan (biennial budget) (see §1.43 of this title (relating to Long-Range Plan of System Services));

(5) annual program and budget (see §1.44 of this title (relating to Annual Program and Budget for System Services));

(6) documentation of tax status with appropriate authorities; and

(7) detailed business plan, including cash flow analysis, cash flow management plan, verification of lines of credit or cash reserves, risk analysis, risk management plan, and verification of specified insurance coverage, and a plan providing for the annual accumulation of cash reserves as described in §1.64 of this title (relating to Cash Reserves: Regional Library System) such that the reserve shall be fully funded by the date of submission of the sixth annual program of service submitted under the terms of this rule.

(b) A business (sole proprietorship, partnership, or corporation) seeking to contract with the Texas State Library and Archives Commission to administer services to a regional library system must demonstrate fiscal and administrative responsibility annually as determined by the state library from the following information submitted by the business:

(1) contracts between the business and two-thirds of the governing bodies of the member libraries;

(2) performance deposit in the form of an assignment of a savings account, a bank letter of credit, a continuous bond, a U.S. treasury bond readily convertible to cash, or any cash equivalent item, the amount to be not less than 10% of the proposed contract;

(3) certificate of good standing from the Comptroller of Public Accounts;

(4) tax returns of the business for the last three years;

(5) audited financial statements of the business for the last three years;

(6) long-range plan (biennial budget) (see §1.43 of this title (relating to Long-Range Plan of System Services));

(7) annual program and budget (see §1.44 of this title (relating to Annual Program and Budget for System Services)); and

(8) detailed business plan, including cash flow analysis, cash flow management plan, verification of lines of credit or cash reserves, risk analysis, risk management plan, and verification of insurance coverage.

(c) Grants or contracts to regional library systems or other nonprofit corporations shall be administered by the State Library and Archives Commission according to the Uniform Grant and Contract Management Act (Government Code, Chapter 783) and the rules for administering this act (1TAC 5.141 et seq), unless federal statute or policy supercedes them.

[Adopted April 30, 1985, 10 TexReg 1227; Amended March 24, 1993, 18 TexReg 1679; Amended July 17, 1997, 22 TexReg 6429]

§1.64 Cash Reserves: Regional Library Systems

(a) A nonprofit corporation or business shall maintain cash reserves, not to include the performance deposit in §1.63 of this title (relating to Proposal Requirements), totaling both:

(1) an amount not less than 15% of all the ongoing operating costs (administrative, personnel and fringe benefits) in the proposed annual contract, to be used to satisfy obligations and maintain operations in the event of an interruption in cash flow; and

(2) an amount not less than 5.0% of the proposed annual contract, less the ongoing operating costs, to be used to satisfy debts or other costs which cannot be paid with grant funds; these funds must be from sources other than a system operations grant.

(b) Regional Library Systems shall have five years to accumulate this cash reserve. For purpose of this rule, the years will be considered to begin on the date the annual program of service for the subsequent fiscal year is due at the Texas State Library. For regional library systems in existence at the time the

rule is adopted, the five-year period will begin with the submission of the next annual program of service after the adoption of the rule. For all others, the five year period will begin with the submission of the first program of service by the regional library system.

(c) The regional library system shall accumulate the cash reserve according to the following schedule:

(1) With the submission of the annual program of service for year one, the regional library system must submit a plan for accumulating the cash reserve to accompany the annual program of service.

(2) With the submission of the annual program of service for year two, the regional library system must demonstrate it has already accumulated at least 20% of the total cash reserve required by this rule.

(3) With the submission of the annual program of service for year three, the regional library system must demonstrate it has already accumulated at least 40% of the total cash reserve required by this rule.

(4) With the submission of the annual program of service for year four, the regional library systems must demonstrate it has already accumulated at least 60% of the total cash reserve required by this rule.

(5) With the submission of the annual program of service for year five, the regional library system must demonstrate it has already accumulated at least 80% of the total cash reserve required by this rule.

(6) With the submission of the annual program of service for every year thereafter, the regional library system must demonstrate the cash reserve account required by this rule is fully funded.

[Adopted July 17, 1997, 22TexReg 6429]

§1.65 Directors and Officers of Regional Library Systems

A nonprofit corporation shall not establish a charter or adopt bylaws that permit member library directors or member library staff to serve on the board of directors. Nor shall member library directors or member library staff serve as officers or directors of a for-profit corporation or as general or limited partners of a partnership; nor shall the commission contract with a sole proprietorship owned by a member library director or member library staff.

[Adopted April 30, 1985, 10 TexReg 1227]

§1.66 [Reserved]

§1.67 Federal Priorities

For so long as the Texas Library System is funded in whole or in part by Library Services and Technology Act funds, major resource systems and regional library systems shall include in their long-range plan and annual program of services and budget projects which specifically address the Library Services and Technology Act priorities, as determined by the Texas State Library and Archives Commission, upon recommendation of the Library Services and Technology Act Advisory Council.

[Adopted April 30, 1985, 10 TexReg 1227; Amended March 10, 1999, 24TexReg 1612]

MINIMUM STANDARDS FOR ACCREDITATION OF PUBLIC LIBRARIES IN THE STATE LIBRARY SYSTEM

§1.71 Definition of Population Served

For a city, nonprofit corporation, and/or county-established library receiving public monies for public library service, the population served by a public library is the population in the most recent decennial census or official population estimate of the U.S. Department of Commerce, Bureau of the Census, if available. If a library does not report receiving public monies for public library service, that library will be assigned no population. Calculations will be based upon the following:

(1) In counties with one or more public libraries that spend only city and private funds, each library is credited with serving the population of the city or cities from which it receives funds or with which it has a contract.

(2) In counties with only one public library and that library spends county funds, the library is credited with serving the entire county population.

(3) In counties with more than one public library that spends both city and county funds, the libraries that spend city and county funds are credited with serving their city population plus a percentage of the population living outside the cities. This percentage is the ratio of each city's population to the total of all the populations of cities with public libraries within the county.

(4) In counties with a library established by the county commissioners court and that spends no city funds or an incorporated library that spends no city funds and one or more city libraries that spend county funds, the city libraries that spend county and city funds are credited with serving their city populations plus a percentage of the county population living outside the cities. The percentage is the ratio of each city's population to the county population. The county library or incorporated library that spends county funds and no city funds serves all county residents not served by a city library.

(5) In counties with one library that spends county funds and one or more public libraries that do not spend county funds, the library that spends county funds is credited with serving the county population, less the populations of cities with public libraries.

(6) In counties with more than one library that spends county funds and no city funds, the county population living outside cities with public libraries shall be prorated among the libraries in the same ratio as the county funds are expended.

(7) When school districts contract with one or more nonprofit corporations, cities, or counties for public library services as part of their students' educational program, the state library shall estimate the total population living within the school district.

(8) Libraries that enter into agreements or contracts with counties, cities, or school districts to provide public library services will be assigned population under this section whether or not there is an exchange of funds.

(9) In libraries where the population of a federal or state eleemosynary or correctional institution or military installation exceeds ten percent of the entire population of the area served by a public library, the residential or base population shall be subtracted from the population served by that library if these persons are served by an institutional or base library.

(10) When a library believes that the acceptance of county funding would result in the assignment of an unrealistic population figure, it may request in writing that the Library Systems Act Advisory Board approve an exception to the population served methodology. The Board will use its discretion to devise a method by which data from the Bureau of the Census will be used to calculate the assignment of population served.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended March 26, 1980, 5 TexReg 906; Amended December 9, 1980, 5 TexReg 4766; Amended July 22, 1983, 8 TexReg 2607; Amended April 30, 1985, 10 TexReg 1228; Amended July 20, 1987, 12 TexReg 2178; Amended August 4, 1988, 13 TexReg 3633]

§1.72 Public Library Service

(a) Library services shall be provided without charge or deposit to all persons residing in those political subdivisions which provide monetary support to the library. These library services include the dissemination of materials or information by the library to the general public during the hours of operations of all library facilities. In this context, library services include the circulation of any type of materials, reference services (locating and interpreting information), and admissions to the facility or any programs sponsored or conducted by the library.

(b) The following charges are permitted at the discretion of the library's governing authority: reserving library materials; use of meeting rooms; replacement of lost borrower cards; fines for overdue, lost or damaged materials in accordance with local library policies; postage; in-depth reference services on a contractual basis; photocopying; telefacsimile services; library parking; service to non-residents; sale of publications; rental and deposits on equipment; and charges for the use of materials and machine-readable data bases not owned by the library, major resource center, or regional library system for which the vendor or supplier has charged a borrowing fee.

(c) Fees may not be charged for library services on the library premises by individuals or organizations other than the library unless the charges are permitted by subsection (b) of this section (relating to Public Library Service).

[Amended April 30, 1985, 10 TexReg 1228; Amended March 26, 1980, 5 TexReg 906; Amended January 19, 1984, 9 TexReg 178; Amended August 23, 1990, 15 TexReg 4577; Amended Effective December 16, 1991, 16 TexReg 7010]

§1.73 Public Library: Legal Establishment

A public library shall be established to render general library services as a department of a city or county government by charter, resolution, or ordinance; or by contract as provided for in the Government Code, Chapter 791; or as a library district established under the provisions of Local Government Code, Chapter 326, Library Districts; or as a nonprofit corporation chartered by the Office of the Secretary of State for the purposes of providing free public library services, and having a current contract with a city, county, school district, or library district to provide free public library services for the city, county, school district, or library district.

[Adopted September 1, 1977, 2 TexReg 1925; Amended April 30, 1985, 10 TexReg 1228; Amended March 10, 1999, 24 TexReg 1612]

§1.74 Local Operating Expenditures

A public library must demonstrate local effort on an annual basis by maintaining or increasing local operating expenditures or per capita local operating expenditures. Expenditures for the current reporting year shall be compared to the average of local operating expenditures or to the average of per capita expenditures for the three preceding years. Libraries that expend at least $10.00 per capita and at least $50,000 are exempt from this membership criterion. A public library shall have minimum local expenditures of $5,000.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended December 9, 1980, 5 TexReg 4766; Amended July 20, 1987, 12 TexReg 2178]

§1.75 Public Library: Nondiscrimination

A library shall have on file at the state library a statement certifying that no person shall be excluded from participation in or denied the benefits of the services of that library on the grounds of race, color, or national origin.

[Adopted September 1, 1977, 2 TexReg 1925; Amended June 27, 1995, 20 TexReg 4343]

§1.76 [Reserved]

§1.77 Public Library: Local Government Support

At least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation must be from local government sources. A public library that expends at least $10 per capita is exempt from this membership criterion if it shows evidence of some library expenditures from local government sources and is open to citizens under identical conditions without charge. Local government sources are defined as money appropriated by library taxing districts, by school districts, or by city or county governments from their general revenue moneys.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended July 22, 1983, 8 TexReg 2607; Amended April 30, 1985, 10 TexReg 1228; Amended August 23, 1990, 15 TexReg 4577; Amended September 2, 1999, 24TexReg 6727]

§1.78 County Librarian's Certificate

A county library shall not be eligible for accreditation unless the county librarian has received from the Texas State Library and Archives Commission a certificate of qualification, nor shall any municipal library that receives county funding be eligible for accreditation unless the municipal librarian has received from the Texas State Library and Archives Commission a certificate of qualification.

[Adopted September 1, 1977, 2 TexReg 1925; Amended January 6, 1982, 6 TexReg 4767]

§1.79 Provisional Accreditation of Library

A public library that does not meet one of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited for not more than an initial three year period, if the library can demonstrate a reasonable expectation of meeting the requirements within three years. However, a newly established library in a previously unserved county that does not meet two of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited if the library can demonstrate a reasonable expectation of meeting the requirements within three years.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended July 22, 1983, 8 TexReg 2607]

§1.80 Probational Accreditation of Library

A public library that has been fully accredited may be granted probational accreditation for three years if the library fails to meet not more than one of the requirements in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library). To regain full system membership, a library must equal or exceed its previous level of effort on the deficient requirement. To achieve full system membership a library must meet the requirements in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library).

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended July 22, 1983, 8 TexReg 2607; Amended December 9, 1980, 5 TexReg 4766]

§1.81 Quantitative Standards for Accreditation of Library

Minimum requirements for major resource system membership:

(1) A library serving a population of at least 200,001 persons must:

(A) have local expenditures amounting to at least $2.80 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 64 hours per week; and

(D) have six professional full-time librarians, with one additional professional full-time librarian for every 50,000 persons above 200,000; an additional professional librarian must be assigned full-time to system duties if the library is a major resource center. See §1.47 of this title (relating to Consulting and Continuing Education Services) for the definition of a professional librarian.

(2) A library serving a population of 100,001 - 200,000 persons must:

(A) have local expenditures amounting to at least $2.40 per capita;

(B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 54 hours per week; and

(D) have four professional full-time librarians, with one additional professional full-time librarian for every 50,000 persons above 100,000; an additional professional librarian must be assigned full-time to system duties if the library is a major resource center.

(3) A library serving a population of 50,001 - 100,000 persons must:

(A) have local expenditures amounting to at least $2.20 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 48 hours per week; and

(D) have at least two professional full-time librarians.

(4) A library serving a population of 25,001 - 50,000 persons must:

(A) have local expenditures of at least $1.80 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 40 hours per week; and

(D) have at least one professional full-time librarian.

(5) A library serving a population of 10,001 - 25,000 persons must:

(A) have local expenditures of at least $1.50 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

(C) be open for service not less than 30 hours per week; and

(D) have a head librarian who is employed in library duties at least 30 hours per week.

(6) A library serving a population of 10,000 or fewer persons must:

(A) have local expenditures of $1.20 per capita or $5,000, whichever is greater;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

(C) be open for service not less than 20 hours per week; and

(D) have a head librarian who is employed in library duties at least 20 hours per week.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended May 1, 1981, 6 TexReg 1438; Amended July 22,1983, 8 TexReg 2607; Amended June 27, 1995, 20 TexReg 4343]

§1.82 Accreditation Based on Current Operating Budget

A public library which has not previously qualified for system membership and is actively seeking accreditation by securing the per capita support necessary for qualification may be accredited as a system member on the basis of the library's current operating budget rather than its expenditures of the preceding year.

[Adopted September 1, 1977, 4 TexReg 2676]

§1.83 Telephone Requirement

A library must have a telephone with a listed number.

[Adopted September 1, 1977, 4 TexReg 2676]

§1.84 Professional Librarian

A professional librarian is defined as a person holding either a fifth year degree in librarianship from a program accredited by the American Library Association or a master's degree in library or information science from a program accredited by the American Library Association or a higher credential from a library school offering an American Library Association-approved program in library or information science. Upon the written request of persons holding degrees in library or information science from schools outside the United States or Canada, the State Librarian may certify them as professional librarians if their program of study is deemed comparable to that of a library school accredited by the American Library Association.

[Adopted April 30, 1985; 10 TexReg 1228; Amended August 4, 1988, 13 TexReg 3633]

§1.85 Annual Report

A public library shall file a current and complete annual report with the Texas State Library and Archives Commission by April 30. Revisions to the annual report which would affect membership status for the next fiscal year will not be accepted after July 31. Staff vacancies that occur after the report is filed shall not adversely affect applications for system membership in the next fiscal year. Staff vacancies that occur prior to filing the report which affect system membership must be filled and reported prior to July 31. Willful falsification of annual reports shall cause the library to be disqualified for one year in the first instance and disqualified for three years in the second instance.

[Adopted April 30, 1985; 10 TexReg 1228; Amended August 4, 1988, 13 TexReg 3633; Amended March 10, 1999, 24 TexReg 1612]

§1.86 Standards for Accreditation of Libraries Operated by Public School Districts, Institutions of Higher Education, or Units of State or Local Government

These standards for accreditation apply only to non-public libraries that are operated by a public school district, institution of higher education, or unit of state or local government. The standards for accreditation of public libraries are specified in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library).

(1) Governing bodies of these libraries shall agree to make library resources accessible to all residents of the system without user fees. Systems that propose to admit these libraries as members shall submit, as part of their annual program of service, a plan and budget for the sharing of library materials that shall include, at minimum, an active program of interlibrary lending by all member libraries.

(2) These non-public libraries may participate in system projects that are cooperative in nature, such as resource sharing projects, projects to establish union catalogs, and continuing education programs. These libraries shall not participate in projects designed for the exclusive benefit of an individual library, such as collection development allocations and equipment purchases.

(3) Any library eligible for membership in the Texas Library System under this subsection will be accredited by the following standards.

(A) For libraries operated by a public school district:

(i) the district must submit written verification from the Texas Education Agency that it meets the standards specified in 19 TAC 63.11 "Requirements for School Library Media Programs";

(ii) the district must submit written verification that it is academically accredited by the Texas Education Agency. Districts classified as academically unaccredited are ineligible for membership in the Texas Library System;

(iii) the district must submit an annual report regarding the operation of its library, in accordance with the timetable and conditions specified in §1.85 of this title (relating to Annual Report).

(iv) The unit of membership in the Texas Library System shall be the school district.

(B) For libraries operated by an institution of higher education:

(i) the institution must submit written verification that it is accredited by an accrediting agency recognized by the Texas Higher Education Coordinating Board;

(ii) the institution must submit an annual report regarding the operation of its library, in accordance with the timetable and conditions specified in §1.85 of this title (relating to Annual Report).

(iii) The unit of membership in the Texas Library System shall be the campus library. Community college districts shall apply as a single unit; other institutions with campus libraries in multiple locations in one county shall apply as a single unit. Libraries affiliated with professional schools that demonstrate they are administered and budgeted independently of the campus library may apply for separate membership.

(C) For special libraries operated by a unit of state or local government (refers to libraries that are not public libraries, or not operated by a public school district or institution of higher education), the library must:

(i) be operated by a recognized governmental unit, such as a state agency, county, municipality, or special district;

(ii) have expenditures of at least $5,000 per year;

(iii) have at least 7,500 items of library materials;

(iv) have a facility or portion of a facility that is used for the library program and is open at least 20 hours per week;

(v) have a staff member serving as a head librarian who is employed in library duties at least 20 hours per week;

(vi) submit an annual report regarding the operation of the library, in accordance with the timetable and conditions specified in §1.85 of this title (relating to Annual Report).

[Adopted June 27, 1995, 20 TexReg 4343]

GRANTS: SYSTEM OPERATION, INCENTIVE, ESTABLISHMENT, AND EQUALIZATION

§1.91 System Operation Grants

System operation grants are to strengthen regional library system and major resource system services to member libraries, including grants to reimburse libraries for providing specialized services to regional and major resource systems. System operation grants are awarded to initiate and continue cooperative district-wide services sponsored by the system. Application for a system operation grant may include reimbursement to the major resource center or other contracting library for

all expenses incurred in the performance of the service contract. System operation grants are awarded to major resource systems and regional library systems operating under an approved program of services and budget.

[Adopted September 1, 1977, 2 TexReg 1927; Amended September 1, 1979, 4 TexReg 2677; Amended July 20, 1987, 12TexReg 2179]

§1.92 Incentive Grants

Incentive grants are to encourage libraries to join together into larger units of service in order to meet criteria for major resource system membership. System member libraries joining together into a county or multicounty library system may be eligible for incentive grants.

[Adopted September 1, 1977, 2 TexReg 1927; Amended December 9, 1980, 5 TexReg 4766]

§1.94 Unserved County: Definition

An unserved county is defined as either a county with no existing free public library services or a county that is served by a library that has not expended funds from local city and/or county taxes for a period of three years prior to application for an establishment grant. A period of establishment may not exceed three years.

[Adopted September 1, 1977, 2 TexReg 1927]

§1.95 [Reserved]

§1.96 System Operation Grant: Formula

Exclusive of the expenditure of funds for administrative expenses, establishment, and incentive grants, 25% of system operation grants shall be apportioned equally to the major resource systems and regional library systems and the remaining 75% shall be apportioned to them on a per capita basis by the last decennial census or the most recent population estimate of the United States Department of Commerce, Bureau of the Census. The population base for distribution of 75% of the Library Systems Act funds is defined as the total population residing within the major resource system boundaries.

[Adopted September 1, 1977, 2 TexReg 1927; Amended September 1, 1979, 4 TexReg 2677; Amended July 20, 1987, 12TexReg 2179]

§1.97 Exception to Uniform Grants and Contract Management Standards

(a) The State Library shall disburse system operation grant general revenue funds quarterly; 40% of the contract shall be disbursed at the beginning of the first quarter on receipt of the executed contract, and 20% at the beginning of each quarter thereafter. A major resource system or regional public library system must submit a quarterly financial status report for each contract until all funds are expended. All funds unexpended at the end of the second quarter following the fiscal year in which they were granted must be refunded to the Library and Archives Commission with the quarterly financial status report.

(b) All provisions of the Uniform Grants and Contract Management Standards Act, 1 TAC §§5.141-5.151, except as noted in subsection (a) of this section will apply to system operation grant general revenue funds expended by a major resource system or regional library system after the fiscal year in which they were granted, including prior approval of certain expenditures, scope changes, and budget amendments.

(c) If a Major Resource Center or nonprofit corporation ceases to be the contracting agent for the major resource system or regional public library system, all unexpended grant and earned funds must be transferred to the new contracting agent.

[Adopted August 22, 1990, 15 TexReg 4577]

SYSTEM ADVISORY COUNCIL

§1.111 Advisory Council

An advisory council for each major resource system shall be established consisting of six lay members representing the member libraries of the system.

[Adopted September 1, 1977, 2 TexReg 1928]

§1.112 Advisory Council Election

The governing body of each member library of the system shall biennially elect or appoint a lay representative for the purpose of electing council members. A lay representative may be any person not employed as a staff member in the library he or she is to represent. Each governing body may also elect or appoint an alternate lay representative who may perform the duties of the representative in his or her absence. An alternate lay representative may not be elected to the advisory council. The major resource center shall always have one member on the council. Thereafter, the representatives in an annual meeting shall elect members of their group to fill council vacancies arising due to expiration of terms of office. The term of office for representatives and alternates shall be the state fiscal year.

[Adopted September 1, 1977, 2 TexReg 1928; Amended September 1, 1979, 4 TexReg 2677; Amended December 9, 1980, 5 TexReg 4766; Amended July 22, 1983, 8 TexReg 2608; Amended June 27, 1995, 20 TexReg 4343]

§1.113 Advisory Council Terms of Office

The term of office of a council member is three years. A council member may serve no more than two consecutive terms, but shall again become eligible for election to the council after an absence of one full term.

[Adopted September 1, 1977, 2 TexReg 1928; Amended April 30, 1985, 10 TexReg 1228]

§1.114 Advisory Council Officers

The council shall annually elect a chair, vice-chair, and secretary.

[Adopted September 1, 1977, 2 TexReg 1928]

§1.115 Geographical Representation

Broad geographical representation is encouraged on the system advisory council.

[Adopted September 1, 1977, 2 TexReg 1928]

§1.116 Council Officers, Not Reappointed as Library Representative

A representative is elected to council September 1, and once elected to council, represents the system. Therefore, the representative shall complete his or her council term of three years even though the council member may be replaced as the official representative of the member library. If the council member is replaced as the official representative, the new representative may vote in behalf of his or her library at the annual meeting of representatives to fill council vacancies. No individual library in the system shall have more than two representatives on the system advisory council.

[Adopted September 1, 1977, 2 TexReg 1928; Amended September 1, 1979, 4 TexReg 2677; Amended December 9, 1980, 5 TexReg 4766; Amended January 19, 1984, 9 TexReg 179]

§1.117 Advisory Council Vacancies

Vacancies on the system advisory council arising for reasons other than the regular expiration of terms of office may be filled from among the lay representatives for the unexpired term by the remaining members of the council. If a vacancy for whatever reason leaves the major resource center with no representative on the council, the major resource center's lay representative shall complete the unexpired term. If the unexpired term was held by an officer of the council, the lay representative appointed to fill the unexpired term need not necessarily be that officer. The vacated council office can be filled from among the members already on that council.

[Adopted September 1, 1977, 2 TexReg 1928; Amended January 19, 1984, 9 TexReg 179]

§1.118 Federated County and Multicounty Representation

A federated county or multicounty library system will be eligible to send to the annual meeting of lay representatives either a citizen to represent the entire federated county or multicounty library system; or the federated county or multicounty library system may elect to permit each individual member in that system to send one representative to the lay meeting. Only those federated county or multicounty system member libraries which could individually qualify for state library system membership may be eligible to send a lay representative. That lay representative

shall have such votes as the representative would be entitled to under §1.123 of this title (relating to Voting by Member Library Representatives), based upon the population of the library represented.

[Adopted September 1, 1977, 2 TexReg 1928; Amended January 19, 1984, 9 TexReg 179; Amended April 30, 1985, 10 TexReg 1228]

§1.119 Council Review and Approval Process

Unless otherwise provided for in the system bylaws, the signature of the council chairman on the following documents shall be required as certification that the advisory council has had an opportunity to review and approve: the system biennial budget, the annual program of services and budget, amendments to the annual program or budget requiring a contract modification, and system bylaws. In the event that a member of the advisory council has had an opportunity to review the documents, but does not approve their contents, a letter stating minority reports should accompany the documents to the State Library. In the event that a majority of the advisory council does not approve the contents of one of the documents referred to in this section, the chairman should sign the certificate of review and forward the advisory council's report with it. The chairman of the advisory council should sign the certificate of review in the appropriate place, if the majority of the advisory council determine that they have not been adequately informed of its contents by the major resource center staff.

[Adopted September 1, 1977, 2 TexReg 1928; Amended September 1, 1979, 4 TexReg 2677; Amended July 20, 1987, 12TexReg 2179]

§1.120 Disqualification of Council Members

If the library represented by a council member is disqualified from system membership or chooses to withdraw from the system, that council member shall cease to be a member of the system advisory council.

[Adopted September 1, 1979, 4 TexReg 2677]

§1.123 Voting by Member Library Representatives

The lay representative of each member library of a major resource system shall have one vote as a representative of a member library and shall have that proportion of additional votes, which shall equal the number of member libraries, as the population served by the voting representative's library has to the total population served by all member libraries.

[Adopted January 19, 1984, 9 TexReg 179]

Service Complaints and Protest Procedure

Texas Administrative Code (TAC)
TITLE 13 - CULTURAL RESOURCES

PART I. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 2. GENERAL POLICIES AND PROCEDURES

Adopted by the Texas State Library and Archives Commission

PRINCIPLES AND PROCEDURES OF THE COMMISSION

§2.53 Service Complaints

(a) For the purpose of improving services to the public and resolving complaints about services of the Texas State Library, state publications of the Library as defined in §3.1 of this title (relating to State Publications Depository Program) shall include a notice that complaints may be made to the Director and Librarian with the director's mailing address and telephone number. Such notice shall also be posted in all public services areas and public access computer systems.

(b) Complaints regarding grants and the administration of grants will be processed in accordance with the procedures outlined in §2.55 of this title (relating to Protest Procedure). Complaints regarding county librarians certified by the commission will be processed in accordance with procedures to be included in Chapter 5 of this title (relating to County Librarian Certification).

[Adopted July 17, 1997, 22 TexReg 6431; Amended September 7, 1998, 23 TexReg 9037]

§ 2.55 Protest Procedure

(a) An aggrieved person who is not satisfied with a decision, procedure, or service received from the staff of the Texas State Library and Archives Commission or who is an actual or prospective bidder, grantee, or contractor aggrieved in connection with a solicitation, evaluation, or award may file a protest with the Director and Librarian in accordance with this rule.

(b) A protest must be submitted to the Director and Librarian within 21 days after the person knows or should have known of the matter which is protested. The Director and Librarian has the discretion to allow a protest filed after 21 days if the protestant shows good cause for the late filing or if the protest raises an issue significant to the general policies and procedures of the commission.

(c) The protestant shall mail or deliver a copy of the protest to all interested persons. The Director and Librarian will furnish a list of interested persons to a protestant. For protests of a competitive selection (bid, contract, or grant), interested persons shall include all persons who have submitted a bid, proposal, or application.

(d) A protest must be in writing and identified as a protest under Commission rule 2.55, and contain the following:

(1) a description of the protestant's interest in the matter;

(2) the issue(s) to be resolved and remedy(s) requested;

(3) the protestant's argument supporting the protest, including a statement of relevant facts and applicable law, specifying the statutes, rules, or other legal authority alleged to have been violated;

(4) the protestant's affirmation that facts set forth in the protest are true; and

(5) a certification that a copy of the protest has been mailed or delivered to all interested persons.

(e) Upon receipt of a protest conforming to the requirements of this section, the commission shall not proceed with the solicitation, award, or contract until the protest is resolved, unless the Director and Librarian makes a written determination that delay would harm the substantial interests of the state.

(f) The Director and Librarian has the authority to decide, settle, or resolve the protest and will make a written determination. The Director and Librarian may solicit written responses to the protest from other parties. The Director and Librarian shall inform the protesting party and other interested parties by letter of his determination, how to appeal the determination to the commission, and how to respond to any appeal which is filed.

(g) An interested party may appeal the determination of the Director and Librarian. An appeal must be in writing and conform to paragraphs (1)-(3) of this subsection:

(1) the appeal must be received in the office of the Director and Librarian no later than 15 days after the date the determination is mailed to interested parties;

(2) a copy of the appeal must be mailed or delivered by the appealing party to all interested parties and contain a certification of mailing or delivery;

(3) the appealing party must state whether or not an opportunity is requested to make an oral presentation to the commission in open meeting.

(h) The Director and Librarian shall refer the matter to the commission for their consideration at an open meeting.

(i) The chair of the commission has the discretion to allow an appeal filed more than 15 days after the Director and Librarian's determination if the appealing party shows good cause for the late filing or if the appeal raises an issue significant to the general policies or procedures of the commission.

(j) An interested party may file a response to an appeal of the determination of the Director and Librarian no later than 15 days after the appeal is mailed or delivered. The chair of the commission has the discretion to allow a response filed more than 15 days after the appeal of the determination by the Director and Librarian if the interested party shows good causefor the late filing or if the response raises an issue significant to the general policies or procedures of the commission.

(k) Copies of the appeal and responses of interested parties, if any, shall be mailed to the commission by the Director and Librarian.

(l) The chair of the commission has the discretion to decide whether or not a request for oral presentations will be granted and will set the order and amount of time for oral presentations that are allowed. The chair also has the discretion to decide whether presentations and written documents presented by Commission staff and interested parties will be allowed.

(m) The commission will determine properly filed appeals and make its decision in open meeting. The commission shall vote to uphold or reverse the decision of the Director and Librarian. Failing a majority vote of the commission to reverse, the Director and Librarian's decision is upheld. The commission's decision is final and not subject to judicial review under the statutes governing the commission.

(n) A decision issued either by the commission in open meeting or in writing by the Director and Librarian shall be the final administrative action of the commission.

(o) Documentation concerning a protest of a competitive selection is part of the commission's records series for that selection and is retained in accordance with the commission's approved records retention schedule.

[Adopted September 7, 1998, 23 TexReg 9037]

SUMMARY OF CRITERIA FOR MEMBERSHIP IN THE TEXAS STATE LIBRARY SYSTEM

Population Served: 200,001 and over
Per Capita Support: $2.80
Materials Collection: one item of library materials per capita or expend 25% on library materials
Hours of Access: not less than 64 hours per week
Staff: six professional full-time librarians and one additional full-time librarian for every 50,000 persons served

Population Served: 100,001 - 200,000
Per Capita Support: $2.40
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
Hours of Access: not less than 54 hours per week
Staff: four professional full-time librarians and one additional full-time librarian for every 50,000 persons served

Population Served: 50,001 - 100,000
Per Capita Support: $2.20
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
Hours of Access: not less than 48 hours per week
Staff: at least two professional full-time librarians

Population Served: 25,001 - 50,000
Per Capita Support: $1.80
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on library materials
Hours of Access: not less than 40 hours per week
Staff: at least one professional full-time librarian

Population Served: 10,001 - 25,000
Per Capita Support: $1.50
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials; MUST HAVE MINIMUM of 7,500 materials
Hours of Access: not less than 30 hours per week
Staff: have a head librarian who is employed in library duties at least 30 hours per week

Population Served: 10,000 or less
Per Capita Support: $1.20 or $5,000 whichever is greater
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials; MUST HAVE MINIMUM of 7,500 materials
Hours of Access: not less than 20 hours per week
Staff: have a head librarian who is employed in library duties at least 20 hours per week

REQUIREMENTS FOR CERTIFICATION AS A COUNTY LIBRARIAN

LEVEL OF CERTIFICATION	TERM	POPULATION SERVED BY LIBRARY	MINIMUM REQUIREMENTS	RENEWAL REQUIREMENTS
GRADE I	Permanent	Any County Library	Five-year degree in librarianship from a school accredited by the American Library Association OR Masters degree or higher credential in library science from a school accredited by the American Library Association	NA
GRADE II	Two-years	10,001 - 25,000	Graduation from accredited senior college or university OR Completion of 60 semester credit hours at an accredited college or university *and* 2,000 hours of paid or voluntary work experience in a library within the past 5 years OR An equivalent combination of semester credit hours from an accredited college or university *and* experience, where one semester credit hour may substitute for 33 1/3 hours of experience. However, there can be no fewer than 60 semester credit hours of college.	Three additional semester credit hours at an accredited college or university OR Participation in 20 hours of continuing education during the two years immediately preceding an application for renewal.
GRADE III	Two-years	10,000 or less	Completion of 30 semester credit hours from an accredited college or university OR Graduation from high school or passing GED *and* 1,000 hours paid or voluntary work experience in a library in the past five years OR An equivalent combination of semester credit hours from an accredited college or university *and* experience where one semester credit hour may substitute for 33 1/3 hours of experience.	Three additional semester hours at an accredited college or university OR Participation in 20 hours of continuing education during the two years immediately preceding an application for renewal.

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

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